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10/525,206

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EXAMINER

BOZADJIAN, GEORGE D

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,206

Applicant(s)

SAITO ET AL.

Examiner

George D. Bozadjian

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Amendment has been acknowledged from attorney Carl Schaukowitch, attorney for applicants.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-3, 5-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over '328 in view of Palmason (USP# 3,839,951 henceforth '951) and further in view of Hoser et al. (USP# 6,640,819 henceforth '819).

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Claim 1:

'328 teaches a cleaning device for a hair removing apparatus (Title), said device comprising: a housing (Fig 1 Part 4) having a basin (Fig 1 Part 7) that receives an operator head of the hair removing apparatus (col 6 lines 13-21); a tank (Fig 6 Part 61) storing a volume of cleaning fluid (col 10 lines 25-39); a pump (Fig 1 Part 23) supplying the cleaning liquid from said tank to said basin for cleaning the operator head of the apparatus (col 8 lines 23-27); a overflow drip pan (Fig 1 Part 77) being formed separately from said tank and being disposed underneath said basin to collect the liquid dripping from the basin (col 6 lines 52-55), said overflow drip pan being connected to said tank by way of a fluid intake channel (Fig 1 Parts 19 and 20 and col 7 lines 49-56) for allowing the liquid to return from within said overflow drip pan to said tank under the action of said pump (Fig 6 and col 9 line 56-col 10 line 20), said overflow drip pan being open to the bottom of said basin for collecting hairs or contaminants dislodged from the operator head (Fig 6), the apparatus is provided with a filter (Fig 6 Part 24) inserted in the tank for removing hair and contaminants from the liquid (col 8 lines 42-50).

'328 does not teach that the filter is provided in said overflow drip pan.

'951 teaches '951 teaches a overflow drip pan (Fig 5 Part 34), that includes a filter (Fig 5 Part 56) installed in it.

It is prudent to look at '951 since it features a fluid washing system, where a pump moves the fluid, with a filter and a recycle path.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have moved the filter from the tank to the overflow drip pan, since

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it has been held that rearranging parts of an invention involves only routine skill in the art, especially when said rearrangement is demonstrated by another invention. *In re Japikse*, 86 USPQ 70.

'328 teaches a cleaning device with a overflow drip pan (Fig 1 Part 77) that is formed below the basin (Fig 1 Part 7).

'328 does not teach that the overflow drip pan is removable or that it is received within a recess formed in said housing below said basin.

'819 teaches that a part of the washing system, such as the liquid impelling assembly, for an electric razor is removable (col 3 lines 56-58). The examiner takes Official Notice that making a part of a washing system removable allows for easier maintenance of the system.

It is prudent to look at '819 because it is in the same field of endeavor as '328, that being an assembly for cleaning an electrical razor.

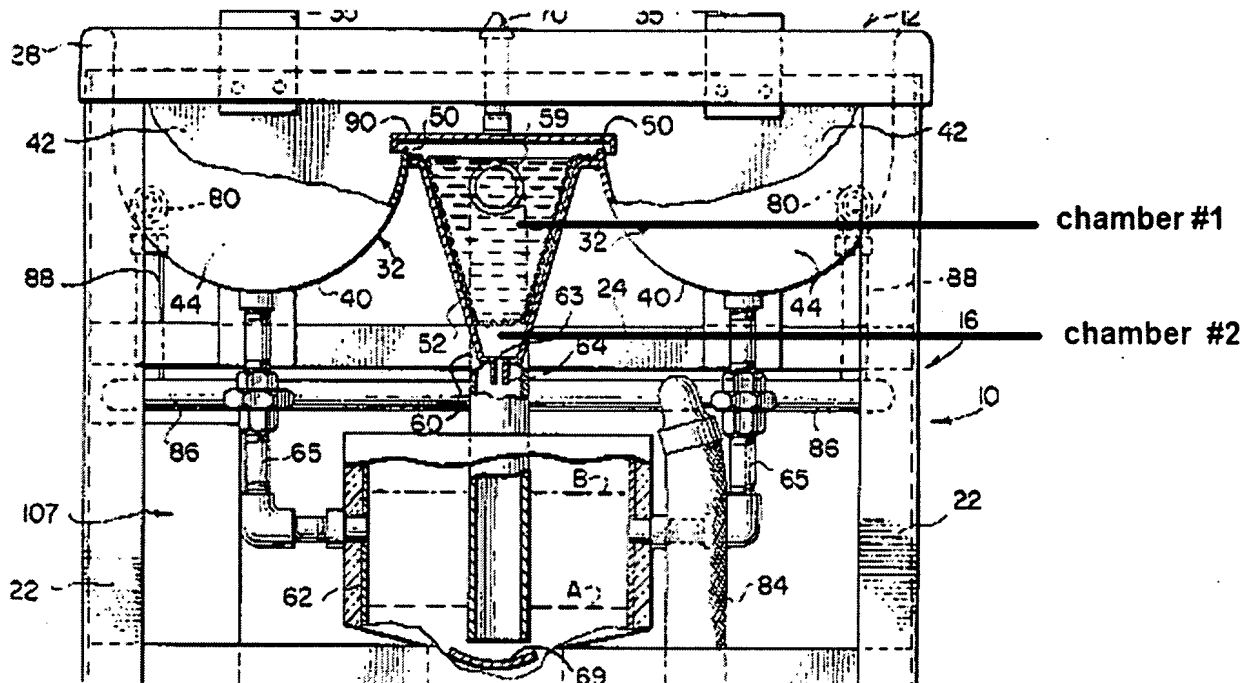
Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the overflow drip pan of '328 removable from below the basin where it is show to normal reside in order to make maintenance of the system easier.

Claim 2:

'328 does not teach that said overflow drip pan is separated by said filter into a first chamber which is in direct communication with said basin and a second chamber having a connection port for direct connection with said fluid intake channel, said connection port having a flow cross area smaller than the surface area of said filter.

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'951 teaches a overflow drip pan (Fig 5 Part 34), that is separated by a filter (Fig 5 Part 56) into a first chamber (Fig 1 detail, see below) which is in direct communication with said basin (Fig 5 Part 40 of Fig 3 Part 40) and a second chamber (Fig 3 detail, see below) having a connection port (Fig 3 Part 63) for direct communication with said fluid intake channel (Fig 5 Part 60 or Fig 3 Part 64), said connection port having a flow cross area smaller than the surface of the filter (Fig 3 and col 6 lines 31-48).



Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the fluid washing system of '328 that is used for washing a mechanical razor with the two chambered overflow drip pan as taught in '951 since the result of moving the drip pan filter from the tank to the drip pan as described in Claim 1 above would inherently create this situation.

Claim 3:

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'328 teaches a chamber of the overflow drip pan with an air vent (Fig 6 Part 47 where arrow 26 is pointing) that is formed in said housing and is open to the atmosphere not through the filter for introducing outside air, said tank (Fig 6 Part 61 or Fig 7 Part 61) being in the form of a hermetically sealed container (col 10 lines 51-55) which is selectively open to the atmosphere by way of an air valve (Fig 12 Part 149 and 8-12), said device including a controller (Fig 6 Part 9) that selectively provides a supply mode for supplying the liquid to said basin from said tank and a recovery mode for recovering the liquid from said basin to said tank, said supply mode actuating said pump while keeping said air valve closed so as to feed the air introduced through said upper area of said filter into said tank by way of said fluid intake channel and accumulate the air pressure within said tank, thereby forcing the liquid out of said tank to said basin (col 10 lines 25-39), said recovery mode actuating said pump while keeping said air valve opened to feed the liquid out from said basin through said fluid intake channel to said tank without accumulating the air pressure within said reservoir, thereby collecting the liquid into the tank(col 13 lines 3-23).

'328 does not teach that said overflow drip pan is separated by said filter into a first chamber which is in direct communication with said basin and a second chamber having a connection port for direct connection with said fluid intake channel but this is discussed above for Claim 2. The air vent is also not disclosed to be in the second chamber, but if the filter is moved from the tank to the overflow drip pan as discussed in Claim 1 this would inherently follow.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made a shaver cleaning device with a supply and recovery mode as described in '328 with the double chambered overflow drip pan as described in '951 in order to have a shaver cleaning device that is able to clean a razor efficiently using air suction to propel the cleaning fluid.

Claim 5:

Claim 5 is identical to Claim 3 as discussed above with the exception of stating that: said filter having an upper area and a lower area, said upper area being configured to be positioned above a level of the liquid dripped and stored into said overflow drip pan for introducing the air through said upper area into the washing system.

If the filter is to be moved to the overflow drip pan as stated in Claim 1 above, it would be inherent that the apparatus would be capable of having an upper area positioned above the level of liquid dripped and stored into said overflow drip pan for introducing the air through said upper area into the washing system by adjusting the filter height since it has been held that rearranging parts of an invention involves only routine skill in the art.

Claim 6:

'328 teaches that the overflow drip pan is to have an inner bottom (Fig 6 Part 47) which is inclined downwardly to a connection port (col 10 lines 3-18).

'328 does not teach the dual chambered overflow drip pan but this has been discussed above for Claim 2.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined a downwardly sloped overflow drip pan as

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described in '328 with a dual chambered overflow drip pan as described in '951 in order to have a overflow drip pan with a built in filter that can strain excess liquid to the bottom of the pan and towards a connection port.

Claim 7:

'328 teaches a overflow drip pan.

'328 does not teach that the overflow drip pan has a liquid storing capacity larger than that of the basin.

It would have been an obvious matter of design choice to have made the overflow drip pan of a size larger than the basin in order to be able to store the liquid necessary to completely fill the basin and have liquid left over for a recycle stream, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within a level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim 9:

'328 teaches that the filter (Fig 6 Part 24) which is enclosed in the cleaning fluid container (Fig 6 Part 61) is removable from the housing (col 10 line 62- col 11 line 2).

5. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over '328 in view of '819 and '951 and in further view of Rau et al. (USP# 5,102,435 henceforth '435).

'328 in combination with '819 and '951 teach Claim 4 as discussed above. Additionally, '328 teaches that a cleaning telltale or other indication device may be used in the system to suggest to the user that a cleaning of the apparatus itself needs to be performed (col 10

line 23- col 11 line 2), this cleaning involves removing the cleaning tank which contains the filter and cleaning fluid.

'328 in combination with '819 and '951 do not teach that there is a monitor that detects whether the overflow drip pan is attached to the housing and a controller deactivating the pump in responses to said dip pan being detached from said housing.

'435 teaches a position switch that is mounted to the housing that monitor the presence of a filter and deactivates the motor if the filter is absent (col 1 lines 54-61).

It is prudent to look at '435 because it has a substantially similar structure to '328, that being a vacuum pressure driven system used for cleaning having a filter and a controller.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have added a overflow drip pan detection switch to the housing and a controller to deactivate the motor of the pump in response to the overflow drip pan being absent from said housing in order to prevent the apparatus from performing a cleaning cycle without all of its necessary components.

Claim 10: '328 in combination with '951 teach a cleaning device with a removable filter device as detailed above for Claim 9. Additionally, '328 teaches that a cleaning telltale or other indication device may be used in the system to suggest to the user that a cleaning of the apparatus itself needs to be performed (col 10 line 23- col 11 line 2), this cleaning involves removing the cleaning tank which contains the filter and cleaning fluid.

'328 does not teach that said filter device is monitored for presence.

'435 teaches a position switch that is mounted to the housing that monitor the presence of a filter and deactivates the motor if the filter is absent (col 1 lines 54-61).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have added a filter presence detection switch to the housing and a controller to deactivate the motor of the pump in response to the filter being absent from said housing in order to prevent the apparatus from performing a cleaning cycle without all of its necessary components.

Response to Arguments

6. Applicant's arguments filed September 26, 2007 have been fully considered but they are not persuasive.

a. Applicant cancelled claim 4 and incorporated the claim's features into amended claim 1.

Examiner acknowledged amendment and responded accordingly (see rejection above).

b. Applicants argue that reference of Höser et al. (U.S. Patent 6,640,819, hereafter '819) does not teach the features of claim 4 (now incorporated into amended claim 1).

Applicants' arguments failed to traverse examiner's initial assertion of Official Notice made in the Non-Final Rejection. Applicant has not provided reasoning or even asserted that the noticed fact (making a part of a washing system removable allows for easier maintenance of the system) is incorrect. Accordingly, it is taken as admitted prior art that making a part of a washing system removable allows for easier maintenance of the system. Applicants' arguments to the particulars of '819

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do not address this generic statement. *If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.* – MPEP 2144.03 [R-1] C

c. Applicants argue that claims 2-3, and 5-10 stand allowable, as amended claim 1 is allowable.

Examiner has refuted the applicants' arguments based on the description above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Bozadjian whose telephone number is 571-270-1871.

The examiner can normally be reached on M-F 8:00 am - 5:30 pm.

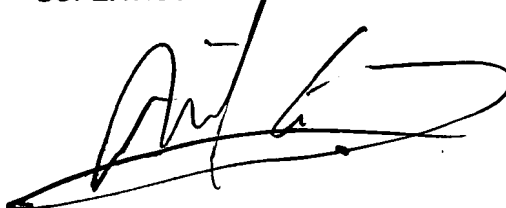
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', written over a horizontal line.